

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6159

BILL NUMBER: HB 1039

NOTE PREPARED: Mar 24, 2005

BILL AMENDED: Mar 21, 2005

SUBJECT: Defrauding Drug or Alcohol Screening Tests.

FIRST AUTHOR: Rep. Ayres

FIRST SPONSOR: Sen. Heinold

BILL STATUS: As Passed Senate

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: This bill makes it a Class B misdemeanor for an incarcerated person or a person under court supervision to interfere with, or to possess a device or substance intended to be used to interfere with, a drug or alcohol screening test.

Effective Date: July 1, 2005.

Explanation of State Expenditures:

Explanation of State Revenues: The bill would create two new Class B misdemeanors for (1) possession of a device or substance used to interfere with a drug or alcohol screening test and (2) interfering with a drug or alcohol screening test.

If additional court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would increase. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund.

If the case is filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: (1) The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. (2) A \$3 fee would be assessed and, if collected, would be deposited into the county law enforcement continuing education fund. (3) A \$2 jury fee is assessed and, if collected, would be deposited into the county user fee fund to supplement the compensation of jury members.

State Agencies Affected:

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources:

Fiscal Analyst: Sarah Brooks, 317-232-9559.